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Committee on the Elimination of Racial Discrimination

Consideration of reports submitted by States parties under article 9 of the Convention

Combined nineteenth to twenty-first periodic reports of States parties due in 2012

Cameroon* **

[22 May 2013]

* This report contains the combined nineteenth to twenty-first periodic reports of Cameroon due in July 2012. For the combined fifteenth to eighteenth periodic reports of Cameroon and the summary records of the Committee's meetings at which the reports were considered, see: CERD/C/CMR/15-18 and CERD/C/SR.1983 and 1984.

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[1] The abbreviations and acronyms listed in the original report are not relevant in the English translation.

*** Annexes can be consulted in the files of the secretariat.

Introduction

1. On 22 and 23 February 2010, the Committee on the Elimination of Racial Discrimination considered the combined fifteenth to eighteenth periodic reports of Cameroon, pursuant to the International Convention on the Elimination of All Forms of Racial Discrimination.

2. In its concluding observations (CERD/C/CMR/CO/15-18), the Committee welcomed the State party's compliance with its reporting guidelines and its resumption of dialogue with the Committee after a 12-year gap.

3. It also raised some other positive points, namely:

- The prohibition of discrimination in the Constitution of 18 January 1996
- The legislative progress made by the State party since consideration of its previous report, in particular the adoption of Act No. 2005/006 of 27 July 2005 on refugee status and of Act No. 2009/004 of 14 April 2009 on the organization of legal assistance, as well as the entry into force of the Code of Criminal Procedure on 1 January 2007
- The transformation in 2004 of the National Committee on Human Rights and Freedoms into the National Commission on Human Rights and Freedoms
- The establishment in 2005 of the Directorate for Human Rights and International Cooperation within the Ministry of Justice
- Constitutional recognition of indigenous minorities and communities
- The preparation of a national plan on the promotion and protection of human rights
- The drafting of an education sector strategy paper, the adoption of the Education for All Plan and the establishment of a council charged with approving school textbooks and teaching materials and studying discriminatory stereotypes
- The State party's accession to the Optional Protocol to the Convention on the Elimination of All Forms of Discrimination against Women (on 7 January 2005) and to the United Nations Educational, Scientific and Cultural Organization (UNESCO) Convention on the Protection and Promotion of the Diversity of Cultural Expressions (on 22 November 2006)

4. Nevertheless, the Committee had expressed its concern at a number of points and issued recommendations accordingly. The concerns related to the following issues:

- The ratification of certain international conventions
- The establishment of national institutions
- The availability of statistical data
- The reform of the Criminal Code
- The situation of indigenous communities
- The adoption of national laws
- The National Commission on Human Rights and Freedoms and
- The protection of refugees

5. The replies to these recommendations form the bulk of this report (second part) in view of the fact that the updated common core document has been submitted to the

Committee (HRI/CORE/CMR/2013) and the information provided in previous reports is still valid.

6. Nevertheless, in keeping with the guidelines issued in document CERD/C/2007/1 of 13 June 2008, the first part of the report will contain a brief overview of the implementation of articles 1 to 7 of the Convention.

I. Information relating to articles 1 to 7 of the Convention

Article 1

7. The provisions relating to racial discrimination contained in domestic law are in conformity with the Convention (see HRI/CORE/CMR/2013, paras. 163-179). The Convention might, however, be better reflected in the Criminal Code, if the provisions of article 1 were to be reproduced. This possibility is under consideration.

8. Cameroon did not enter any reservation or make any statement when ratifying the Convention. No derogation from the provisions of the Convention is permitted under domestic law.

9. With regard to distinctions on the basis of nationality or migrant status (article 1, paras 1 and 2), equality of treatment is a reality:

- The Employment Code applies to all workers, whether nationals or migrants
- The nationals of the member countries of the Economic and Monetary Community of Central Africa (CEMAC) are given the same treatment as nationals of Cameroon, in particular with regard to university fees, while refugees enjoy the same rights to employment and access to education

10. Thanks to the State party's tradition of hospitality and the ease of migration foreigners are freely welcomed into the country's society and readily accepted culturally. They face no major difficulties such as mass expulsions or police harassment. They freely exercise their professions, above all in the informal sector. Cameroon is a relaxed country where a cultural and social balance has been struck between foreigners and nationals, maintaining a degree of harmony.

11. One exception to equality of treatment may be noted in access to work. A distinction is made between nationals and foreigners/migrants in terms of access to the civil service, which is reserved for Cameroonian nationals.

12. Three pieces of legislation govern the activities of foreigners in Cameroon:

- Act No. 97/012 of 10 January 1997 governing the conditions of entry into, residence in and departure from Cameroon: its provisions concern border controls, on departure from Cameroon (including the documents needed for exercising a paid occupation or a liberal profession or undertaking in-company training), deportation, refoulement and expulsion, and the applicable penalties
- Decree No. 93/571 of 15 July 1993 setting the employment conditions of foreign workers for certain professions or certain levels of vocational qualification: foreigners may be employed only if a visa is obtained from the Ministry of Labour and Social Security. A list of authorized professions is drawn up, on the advice of the National Consultative Labour Commission
- Decree No. 93/575 of 15 July 1993 laying down the procedures for issuing visas for certain employment contracts: it concerns all fixed-term employment contracts for

periods longer than three months or that require workers to move away from their habitual place of residence along with the employment contracts of foreign nationals

Article 2

13. Cameroon has taken measures to prohibit discrimination and promote equality for all. Details are given in paragraphs 143 to 179 of the common core document (HRI/CORE/CMR/2013).

Article 3

14. Since independence Cameroon has consistently opposed any form of racial segregation or apartheid. In the international arena, in 1969, the Head of State of Cameroon presented the Manifesto on Southern Africa (or Lusaka Manifesto) on behalf of Africa to the General Assembly of the United Nations [A/PV.1780, see also A/PV.1814 and resolution 2505 (XXIV)]. The manifesto called on all member States of the now defunct Organization of African Unity to mobilize against the policy of racial discrimination of the white minority Governments of Southern Africa, above all apartheid and the racial policy of South Africa.

15. In the manifesto, the States wished to make it clear that "all men are equal, and have equal rights to human dignity and respect, regardless of colour, race, religion or sex, [and] that all men have the right and the duty to participate, as equal members of the society, in their own government". At the national level, Cameroon has faced no problems of racial segregation or ghettoization. Action is taken to foster harmony and understanding among the various components of society, for example, by encouraging cultural and ethnic intermingling, ensuring that all regions of the country are represented at all levels and improving the overall standard of living of Cameroonians to avoid economic ghettoization.

Article 4

16. Cameroon has taken measures to implement the provisions of article 4. Insulting a race or religion is an offence under article 241 of the Criminal Code (HRI/CORE/CMR/2013, paragraph 164), while pursuant to Act No. 2012/001 of 19 April 2012 on the Electoral Code all campaigning documents (circulars, candidates' personal manifestos and posters) must be authorized by the national body for the administration of elections before publication. According to article 89.3 of the Act, "authorization shall be refused if a text constitutes incitement to violence, an attack on the integrity of national territory, the republican form of government, sovereignty or unity or incitement to hatred against an authority, a citizen or a group of citizens". Such documents are confiscated by the administrative authority "without prejudice to any criminal proceedings that might be instituted against their author or distributors".

17. In addition, article 151 of the Electoral Code obliges each political party wishing to put forward candidates in legislative elections to take account of the different sociological components of the constituency in question when drawing up lists of candidates.

18. While race is not classified as an aggravating factor for the determination of the penalties laid down in legislation, hatred and contempt, when seen as the reason for insulting races and religions, lead to the doubling of penalties. Pursuant to article 242.3 of the Criminal Code: "The penalties laid down [...] shall be doubled if the offence is committed with the intention of stirring up hatred or contempt among citizens."

19. The peaceful co-existence and harmony between the different components of Cameroonian society explain why no complaints have been filed, prosecutions undertaken or sentences handed down for acts of racial discrimination since the previous report submitted by Cameroon was considered.

Article 5

20. Guaranteeing all human rights and fundamental freedoms for everyone living in its territory is a matter of permanent concern for the Cameroonian State. To that end various steps are being taken at the political, normative, institutional and operational levels to ensure that everyone, without any discrimination, enjoys the following rights protected by the Convention: the right to equal treatment before the courts; the right to security of person and protection by the State against violence or bodily harm inflicted by government officials or others; political rights (the right to vote, the right to take part in the conduct of public affairs, the right to have equal access to public service); civil rights (the right to freedom of movement and residence within the borders of the State; the right to leave any country, including one's own, and to return to one's country, the right to nationality, the right to marriage and choice of spouse, the right to own property, the right to inherit, the right to freedom of thought, conscience and religion, the right to freedom of opinion and expression, right to freedom of assembly); economic, social and cultural rights (the right to work, the right to form and join trade unions, the right to housing, the right to health, the bright to education, the right of access to any place or service intended for use by the general public).

21. The previous report (CERD/C/CMR/15-18, paragraph 131-201), the common core document (HRI/CORE/CMR/2013, paras. 167, 173, 174 and 179–197), and the replies, below, to the recommendations contained in the concluding observations issued by the Committee in 2010 (paras. 94–99 and 119–130) contain relevant information on the whole range of rights.

22. With regard to this article, this report focuses on the rights to housing, health, work and access to all public places, with emphasis on the main potential victims of discrimination in Cameroon, namely persons with disabilities and women.

1. Right to housing

23. Cameroon is undergoing rapid urbanization, up to around 52 per cent in 2012. This situation has led to an urban housing crisis and, specifically, a sizeable housing deficit (estimated at over a million units).

24. To remedy the situation, Cameroon has designed and implemented a new social housing policy, based on a revival of public and private social housing construction and a raft of appropriate regulatory, institutional and financial measures.

25. The 2010–2013 priority programme to build 10,000 social housing units is under way and 50,000 plots of land are due to be developed by 2014. It plans for: 4,500 housing units each in Yaoundé and Douala; 400 housing units in all other regional capitals; 150 housing units in the industrial cities of Limbé, Edéa and Kribi; 150 housing units in the university cities of Dschang, Bangangté and Soa; 300 housing units in all other departmental capitals. In February 2010, the foundation stone of the pilot project for building 1,000 social housing units in Douala by the Société immobilière du Cameroun (Cameroon Property Company) was laid. In December 2009, a programme to build 1,200 social housing units at a cost of 24 billion CFA francs, funded by the Crédit foncier du Cameroun (Cameroon mortgage bank), had been launched.

26. The Government has made it a point of honour that social housing should be accessible to all Cameroonians, regardless of race, colour, sex or ethnic descent.

27. Accordingly, a quota for the vulnerable in society will be included in the mechanism for commercializing social housing.

28. When the national disability card[2] was introduced, as one of the preferential measures, persons with more than 50 per cent incapacity were granted housing aid to facilitate their access to social housing tailored to their needs. In Yaoundé social housing is set aside for persons with disabilities in Biyem-Assi (housing units N02 and R13) and the Green City (housing unit D05).

29. Persons with disabilities entitled to retirement may benefit from extended residence in social housing to facilitate their socioeconomic reconversion and social reintegration. A disabled person who retired from the civil service and was living in social housing unit N D05 in the Green City was given permission by the Ministry of Property and Land Affairs to remain there for a further 12-month period.

30. The Government is looking into the possibility of reserving, in its future programmes, specific housing for the vulnerable. The State has already lent support to a private initiative to build social housing for single mothers and the elderly.

2. Right to health

31. Cameroon has put considerable effort into fighting disease.

32. The Government has introduced sectoral plans to scale up support for persons living with HIV/AIDS and foster cohesive action among the regions.

33. The Women-Families sectoral plan (2007–2010) describes the extent to which HIV/AIDS affects women and families. It explains why women, owing to their biological constitution and socioeconomic vulnerability, remain more exposed to the pandemic.

34. The plan has three strategic elements:

- Preventing new infections in women and families
- Giving psychosocial and nutritional support to persons living with HIV/AIDS, those infected and families affected by HIV along with members of the community in the sector
- Listing the needs (psychological, economic, nutritional and legal, etc.) of an infected person or an affected family

35. Malaria remains the leading cause of illness. The Government has adopted the following strategies aimed at:

- Its early diagnosis and the timely treatment of cases
- The prevention of malaria by taking appropriate measures such as intermittent preventive treatment for pregnant women and stepping up the anti-vector campaign by means of insecticide-impregnated mosquito nets and home spraying. A campaign to distribute long-lasting insecticide-treated nets was launched for that purpose in

[2] Between 2006 and 2010, 9,109 disability cards were issued in the 10 regions of Cameroon, for the following types of disability: motor disabilities, 64 per cent; visual disabilities, 19 per cent; deaf and/or dumb, 10 per cent; mental disabilities, 2 per cent; other types of disability (leukaemia, multiple disabilities, dwarfs), 5 per cent.

2011 and gave thousands of families across Cameroon better protection against mosquitoes[3]

- Information, education and communication aimed at changing behaviour

36. As far as maternal and child health are concerned, numerous awareness-raising campaigns to mobilize the population in order to reduce maternal mortality are being conducted nationwide.

37. Family planning cover stands at 13 per cent. In 2010, the Government launched a campaign to reduce maternal mortality. Health centres offer three types of service:

- Counselling on choice of method
- Information on the family planning services on offer
- Treating the side effects or complications of contraceptive methods

38. Since 2008, the Government has organized twice-yearly action weeks on maternal and child health and nutrition with the aim of improving the state of women and children's health. In 2012, coverage for measles prevention, vitamin A supplements and parasite control was 75 to 78 per cent of all children.

3. Right to work

39. Cameroon has taken different types of measures in this regard.

40. In terms of regulatory measures, on 12 November 2010, the Minister for Employment and Vocational Training signed a circular making it compulsory to provide data disaggregated by age and sex, in order to improve the data collection system.

41. On 30 December 2011, the Ministry for Employment and Vocational Training and the Ministry of Social Affairs established a framework of collaboration to take account of vulnerability when implementing the national employment and vocational training policy.

42. In practical terms, action has been taken in these main areas:

- The recruitment of 25,000 graduates in the civil service: in the process, the Ministry of Public Service and Administrative Reform published statistics showing that vulnerable population groups were taken into account; annex 1 to this report sets out these statistics
- The award of vocational training scholarships: of the 735 scholarships awarded in 2011, 413 went to men (56.19 per cent) while 322 (43.80 per cent) were awarded to women. In terms of region of origin, 119 (16.19 per cent) were awarded to persons from the two English-speaking regions. The Centre scored higher, with 120 scholarships or 16.32 per cent, while the West received 162 or 22.04 per cent of all scholarships [see table in annex]. In 2011, 22 scholarships were awarded to members of vulnerable population groups, in particular persons with disabilities
- The granting of microcredit to fund income-generating activities
- The activities of the National Employment Fund in 2010/2011 (see annex 2).

[3] The ways in which use is made of long-lasting insecticide-treated nets by some communities is a matter of concern for the Government. In coastal areas they are used as fishing nets whereas elsewhere nets distributed free of charge are put on sale by the recipients. The Government is stepping up action to raise awareness of the correct use to be made of long-lasting insecticide-treated nets.

43. Specifically with regard to persons with disabilities:

- In 2010 and 2011, 110 disabled teachers were recruited as part of an operation to employ general primary school teachers under contract
- Young disabled or vulnerable persons were awarded 50 vocational training and apprenticeship scholarships in 2010/2011 and 2011/2012
- Training, with the support of the International Labour Office (ILO), in business start-up, for 20 persons with disabilities in 2010
- The appointment of persons with disabilities to responsible posts in the Ministry of Social Affairs

4. Right to take part in cultural life/right of access to any place or service intended for use by the general public

44. The population group most likely to suffer discrimination in terms of cultural rights is persons with disabilities.

45. In the field of sport, pursuant to Act No. 2010/002 of 13 April 2010 on the protection and advancement of persons with disabilities and Act No. 2011/018 of 15 July 2011 on the organization and promotion of physical and sporting activities, four new sports federations affiliated to the International Paralympic Committee have been established:

- Cameroonian sports federation for the visually impaired and the disabled
- Cameroonian sports federation for the mentally disabled
- Cameroonian sports federation for the physically disabled
- National league of sports for the deaf

46. The National Paralympic Committee of Cameroon was set up in order, inter alia, to foster cooperation and mutual assistance among those involved in sport for persons with disabilities and to help to promote national representation in national and international sports bodies for persons with disabilities. As a result, a disabled weightlifter was able to take part in the 2012 London Paralympic Games.

47. With regard to concerns raised about disabled access to public buildings, by circular No. 003/CAB/PM of 18 April 2008 concerning compliance with the rules governing the award, implementation and supervision of public contracts, the Prime Minister required contracting authorities and subcontractors to ensure that, at a technical level, studies relating to plans for the construction of buildings, public buildings and roads take account of disability issues.

48. Subsequently, the Ministry of Social Affairs, together with technical partners and organizations of persons with disabilities, produced a practical guide on disabled access to public infrastructure and buildings or those open to the public. This guide, the subject of an agreement with the Public Contract Regulatory Agency, calls for compliance with its norms both before construction (i.e. examination of project terms of reference and technical specifications) and after (i.e. approval). The guide has been disseminated among the different social actors, and an agreement was reached on 8 April 2009 with the Public Contract Regulatory Agency, which undertakes to ensure compliance with the relevant regulatory requirements. The provisions of this practical guide, directed at contractors, architects' offices and decision-makers, concern the building of access ramps, accessibility to doors, corridor width, signs and sound warnings, parking areas, seats in public transport, etc.

49. The Yaoundé Palace of Sport, the outbuildings of some ministerial departments and the National Assembly were all built according to the criteria laid down in this guide.

50. Generally speaking, since the national disability card was introduced in 2010, the disabled have been entitled to: tax exemptions, free education and initial vocational training, reduced fares public transport fares (by land, rail, air, sea or river), reduced medical care charges, functional retraining and artificial aids, and reduced fees for access to sport and leisure.

51. To promote socio-vocational reintegration, the State, regional authorities and civil society encourage persons with disabilities to set up their own businesses and cooperatives, through tax and customs incentives and others.

Article 6

52. Cameroon provided information on effective remedies in the common core document (HRI/CORE/CMR/2013, paras. 98, 99 and 179–186). Moreover, the National Commission on Human Rights and Freedoms is competent to receive and consider petitions from individuals and groups who claim to be victims of a violation of any of the rights set forth in the Convention. The Commission may then bring the violation of the right in question to the attention of the administration concerned. It may also report to the President of the Republic.

53. As pointed out in paragraph 19 [French: 21] above, no complaints have been filed for acts of racial discrimination since 2010. This is not because victims are unaware of their rights. After all, numerous dissemination and awareness-raising activities are organized to that end by the State (HRI/CORE/CMR/2013, paras. 132–137). Instead it is a result of the State policy aimed at fostering understanding, tolerance and friendship among the different categories of the population and to encourage the peaceful settlement of interethnic disputes when they do arise.

Article 7

54. Cameroon has taken appropriate steps "in particular in the fields of teaching, education, culture and information, to combat prejudices that lead to racial discrimination and to foster understanding, tolerance and friendship among nations and racial or ethnic groups".

55. Since information relating to education and information is provided in the common core document (HRI/CORE/CMR/2013, paras. 132–137; 138–142), and in paragraphs 94 to 99 and 119 to 134 below, we shall focus entirely on culture.

56. In this connection, Cameroon sees the protection of the various national cultures and languages as central both to the survival of every level of society and to national cohesion. Depriving any community of any aspect of this protection could cause serious harm to the national heritage and cultural diversity and also lead to the destruction of social groups.

57. In the exercise of its different functions, the Ministry of the Arts and Culture emphasizes the elimination of all forms of discrimination by ensuring equal and fair access to public services and apportioning more resources to professionals in the fields of the arts and culture.

58. The Government has set up an earmarked account for encouraging the participation of all in the country's cultural life and promoting social cohesion. The aim of the account is to encourage excellence in the creation, production and dissemination of intellectual works;

encourage the preservation and enhancement of the national cultural heritage; and help cultural and traditional associations.

59. In 2011, a package of 40,000,000 CFA francs (about $80,000) was set aside for supporting local cultural events such as festivals.

60. A National Ensemble was set up to express and promote the cultures of Cameroon. It comprises some 100 artists representing every sociological component of the country, enabling all artists, regardless of their ethnic origin, to express themselves freely.

61. The Government is working on the restoration of museums run by the traditional chiefdoms. It encourages the establishment of museums to exhibit works of art produced by a cross-section of society.

II. Replies to the Committee's Recommendations

62. In the concluding observations adopted following consideration of the previous combined report (CERD/C/CMR/CO/15-18), as well as making recommendations in the strict sense, the Committee raised a number of points which, although not recommendations proper, nonetheless call for action to be taken by the Government.

63. This second part of the report contains replies to these recommendations and to the other points raised by the Committee.

A. The Committee's recommendations

64. There are 13 recommendations.

Recommendation No. 1

65. **The Committee recommends that the State party take all necessary measures as soon as possible to establish the institutions provided for by the Constitution (Senate and the Constitutional Council) so that they may contribute to the effective implementation of the Convention.**

Reply from Cameroon

66. With reference to the information contained in the common core document (HRI/CORE/CMR/2013, paras. 46 and 55), Cameroon recognizes the importance of the Senate and Constitutional Council in improving the running of the State, and their possible contribution to implementation of the Convention.

67. Pursuant to article 67 of the Constitutional Statute of 18 January 1996, according to which "the new institutions of the Republic set out in this Constitution will gradually be introduced", steps are being taken to that end.

68. The President of the Republic made a firm commitment to achieving this when he took the oath of office before the National Assembly, on 3 November 2011: "The National Assembly shall shortly be backed by the Senate. […] The process of decentralization, which is taking place in a satisfactory manner, shall be completed with […] the creation of regional councils under our fundamental law. […] We must also establish the Constitutional Council, a vital body for the functioning of our institutions."[4]

[4] Inaugural address of the Head of State, H. E. Paul Biya, 3 November 2011, National Assembly.

69. Before it could enter into force, Act No. 2004/004 of 21 April 2004 on the organization and operation of the Constitutional Council was amended on 21 November 2012 to bring it into compliance with certain constitutional provisions. The members of the Constitutional Council now serve for six years, and their mandate may be renewed.

70. Until these institutions are fully operational, under the Constitution their roles are being played by other institutions (Supreme Court and National Assembly), so that their absence does not hold up the running of State affairs or implementation of the Convention.

Recommendation No. 2

71. **The Committee recommends that the State party supply it with data on the ethnic composition of its population. The data should preferably be based on the way in which the individuals concerned identify themselves, and should be collected in accordance with the Committee's general recommendation No. 8 (1990) concerning the interpretation and application of article 1, paragraphs 1 and 4, of the Convention, and paragraphs 10 and 11 of its revised guidelines for the preparation of reports (CERD/C/2007/1).**

Reply from Cameroon

72. As stated in paragraph 11 of the Committee's guidelines, Cameroon is one of the countries that do not take ethnic origin into account when conducting censuses or surveys. As specified in paragraph 175 of the common core document (HRI/CORE/CMR/2013), people are not questioned about their ethnic origin or race in population censuses. In Cameroon such questions are regarded as discriminatory and irrelevant, which is why specific statistics on the ethnic composition of the population are not available.

73. The population of Cameroon currently comprises more than 230 ethnic groups defined on the basis of dialect: in addition to the Pygmies, mostly Animists, of which the main ethnic groups, the Baka, Bagyéli/Bakola and Bedzangs, are found mostly in the East, South and Centre regions, these ethnic groups are divided into three main sociocultural families:

- Bantu, found in the forests (Forest Bantu) in the Centre, South and East regions and on the coasts of the Littoral and South-West regions. In the forests, they include Fang-Béti (the largest group by number), together with the peoples of the middle and upper valley of the Mbam, the Lom, Kadéi, Boumba and Ngoko, the Haut-Nyong, etc. The main groups along the coast are the Douala, Bassa and Bakweri. The Bantu are mostly Christian
- Bantoids or semi-Bantu, living in the West and North-West, are largely made up of the Bamilékés, Bamouns and Tikars. They may be Christians, Muslims or Animists
- Sudanese, Hamites and Semites, the inhabitants of northern Cameroon, include the Peulh, Kapsiki, Matakam, Musgum, Toupouri, Boum, Foulbé, Mbororo and Arab Choa peoples. The main religion of these groups is Islam

74. The Constitution recognizes and protects the rights of minorities and indigenous communities. So far no ethnic group has been officially recognized as a minority or indigenous [population] under international law (see paras. 103–111 below).

75. Owing to their way of life and appearance, some communities deemed to be vulnerable by the State are more exposed than others to direct and indirect forms of discrimination. This concerns Pygmies, the mountain peoples, the Mbororos, as well as persons with disabilities.

76. Paragraph 9 of the common core document (HRI/CORE/CMR/2013) contains information on the composition of the foreign population in Cameroon, statistical details of which are provided in annex 3.

Recommendation No. 3

77. **The Committee recommends that the State party take the necessary legislative measures to prohibit racial discrimination in accordance with articles 1, 2 and 4 of the Convention. It recommends that the State party speed up the process of harmonizing the Criminal Code to ensure that acts of racial discrimination are defined and criminalized in the light of the Convention. The Committee also recommends that the State party, in accordance with article 3 of the Convention, prevent, prohibit and punish racial segregation and racist propaganda in its legislation.**

Reply from Cameroon

78. Reiterating the observations contained in the common core document (HRI/CORE/CMR/2013, paras. 163 and 164), we wish to state that the prohibition of racial discrimination is in accordance with the provisions of the Convention. All laws adopted in Cameroon are in compliance with the Constitution, according to which "the human person, without distinction as to race, religion, sex or belief, possesses inalienable and sacred rights" and the People of Cameroon "affirm [their] attachment to the fundamental freedoms enshrined in the Universal Declaration of Human Rights, the Charter of the United Nations, the African Charter on Human and People's Rights, and all duly ratified international conventions relating thereto", including the Convention on the Elimination of All Forms of Racial Discrimination.

79. Concerning the prohibition and prevention of racial segregation and racist propaganda, we refer to paragraphs 162 to 173 of the common core document (HRI/CORE/CMR/2013), and the information given in reply to the question about implementation of article 3 (paras. 14–16).

Recommendation No. 4

80. **While recalling that the National Commission on Human Rights and Freedoms is a major player in the cooperation between the State party and the United Nations Subregional Centre for Human Rights and Democracy for Central Africa, the Committee recommends that the State party step up its efforts to bring the National Commission into conformity with the Paris Principles, so as to guarantee its operational and financial independence. The Committee strongly recommends that the State party pass a law to put the National Commission on a constitutional footing.**

Reply from Cameroon

81. Cameroon takes note of the recommendation to put the National Commission on Human Rights and Freedoms on a constitutional footing. Guaranteeing its independence and efficiency in conformity with the Paris Principles (General Assembly resolution A/RES/48/134) is a government priority.

82. Numerous efforts have been made to bring the National Commission on Human Rights and Freedoms into conformity with the Paris Principles. In application of the Committee's recommendation, the Head of State promulgated Act No. 2010/004 of 13 April 2010 amending and supplementing certain provisions of Act No. 2004/016 of 22 July 2004 concerning the establishment, organization and operation of the National Commission on Human Rights and Freedoms. The amendment withdrew the right to vote from

representatives of public administrations on the National Commission on Human Rights and Freedoms granted to them by article 15 of the organic law.

83. As an immediate benefit the National Commission on Human Rights and Freedoms was given an A status accreditation by the International Coordinating Committee for National Human Rights Institutions (ICC). Its operational independence and financial autonomy were also strengthened.

84. The operational independence called for by the Paris Principles is legally enshrined by the organic law relating to the National Commission on Human Rights and Freedoms, in particular in article 1.2, which refers to the National Commission on Human Rights and Freedoms as "an independent institution with responsibilities involving consultation, monitoring, engaging in dialogue, cooperation and promoting and safeguarding human rights and freedoms". Accordingly, the National Commission on Human Rights and Freedoms has no administrative supervision [from above].

85. With regard to the recommendation contained in the Paris Principles concerning the need for a stable mandate for the members of the national institution in order to guarantee its independence, it should be noted that the appointment of the members of the National Commission on Human Rights and Freedoms is effected, based on a proposal put forward by their occupational group, by decree of the President of the Republic for a five-year mandate, which may be renewed once, provided that the pluralism of the membership of the National Commission on Human Rights and Freedoms is ensured. Its members take an oath before the Supreme Court in plenary session before assuming their duties.

86. The members of the National Commission on Human Rights and Freedoms are representatives of the Senate, National Assembly, Supreme Court, the Bar Association, universities, religious denominations, women's organizations, NGOs, trade unions, the national association of doctors, public and private press, and public administrations responsible for social affairs, justice, prison service and women.

87. The members of the National Commission on Human Rights and Freedoms enjoy immunity for acts carried out in the course of their duties during their term of office (see art. 10(1) of the organic law, HRI/CORE/CMR/2013, annex).

88. Concerning its financial autonomy, the National Commission on Human Rights and Freedoms receives an annual State budget allocation for its operations. Standing at 250 million CFA francs (about $500,000) in 2004, it rose to 500 million CFA francs (about $1,000,000) in 2006 and has been 700 million CFA francs (about $1,400,000) since the 2011 financial year.

89. Since 2011, the National Commission has received from the State an investment budget initially limited to 250 million CFA francs (about $500,000), rising to 400 million CFA francs (about $800,000,000) in 2012. This will enable it, in accordance with the Paris Principles, to have an appropriate infrastructure that will allow its services to run satisfactorily.

90. In 2011, the National Commission received from the Government special allocations to acquire office furniture and equipment.

91. It is also free to mobilize resources from development partners (article 20 of the organic law). Accordingly for some years it has benefited from the support of partners such as the United Nations Development Programme, the United Nations Subregional Centre for Human Rights and Democracy for Central Africa, UN-Women, the United Nations Entity for Gender Equality and the Empowerment of Women (General Assembly resolution A/RES/64/289, para. 49), Sightsavers, the British High Commission, etc.

Recommendation No. 5

92. **The Committee recommends that the State party urgently adopt the decree to implement Act No. 2005/006 of 27 July 2005 on refugee status. It also recommends that the State party take the necessary measures to improve the situation of refugees, particularly in rural areas, and to guarantee their security, housing and access to health care, education, employment and food without discrimination.**

Reply from Cameroon

93. Pursuant to this recommendation, on 28 November 2011, the President of the Republic of Cameroon signed the enabling instrument of Act No. 2005/006 of 27 July 2005 on refugee status. Decree No. 2011/389 (see annex 5) concerns the organization and functioning of bodies for the management of refugee status and sets their rules of procedure. It makes operational the two commissions established by article 16 of the 2005 Act, the Commission responsible for determining eligibility and the Appeals Commission, and establishes them at the Ministry of Foreign Affairs. Details of the functions of the different comm..ssions, whose members were appointed on 6 August 2012 and took their oaths on 17 S..ptember 2012 before the Yaoundé regional court, can be found in the common core document (HRI/CORE/CMR/2013, paras. 93–95).

94. With regard to the situation of refugees in rural areas, their security, housing and access to health care, education, employment and food without discrimination, the Act of 2005 (art. 9) relating to the Status of Refugees recognizes their right to national treatment in the exercise of fundamental rights such as the rights to property ownership, work, education, housing and social welfare and public assistance.

95. Consequently, refugees benefit from all national projects and programmes concerning health care, education and employment according to the principles of non-discrimination enshrined in the Constitution of Cameroon.

96. Cameroon is one of the few countries ruling out the establishment of refugee camps.[5] Refugee communities are integrated within local communities, without discrimination, and efforts are made by the Government to foster that integration.

97. In the area of education, the Government organizes campaigns to alert parents to the benefits of formal education. It has implemented a policy which places emphasis on the recruitment of refugee children in secondary schools and the construction of additional educational facilities in the proximity of target population groups.

98. As a result of the coordination of this policy with UNHCR, almost 80 per cent of refugee children attend school.

99. In conjunction with the United Nations Children's Fund, the Government has implemented a basic education programme through which grants are offered to refugee children to encourage them to enter and remain in the school system.

100. In the area of higher education, refugees have the same rights to attend university as Cameroonians. Some refugee children are admitted on the basis of qualifications to university-level educational establishments which nationals enter by means of an examination.

[5] With the notable exception of the Langui camp, in the North region, which takes refugees from Chad and was designed, as far as possible, for the integration of the refugee population into the local socioeconomic environment, while meeting the specific criteria of the context and taking into account the particularities of the group of refugees concerned.

Recommendation No. 6

101. **The Committee strongly recommends that the State party complete the adoption of the bill on the rights of indigenous people and seek technical assistance and cooperation to that end from the Office of the United Nations High Commissioner for Human Rights (OHCHR) and the International Labour Organization (ILO). In particular, the Committee recommends that the State party, bearing in mind its general recommendation No. 23 (1997) on the rights of indigenous peoples, include in the aforementioned bill the definition of indigenous peoples as contained in the United Nations Declaration on the Rights of Indigenous Peoples. It also recommends that the State party refrain from using the term "marginal population groups", which is contrary to the spirit of the Convention, as it stigmatizes the minorities referred to and prevents the special characteristics of indigenous people from being taken into consideration. Finally, the Committee recommends that the State party ensure the participation of indigenous people and their representatives in the process of drafting the bill.**

Reply from Cameroon

102. The preamble of the Constitution of 18 January 1996 expressly embodies the protection of indigenous communities. This Constitution guarantees equality for all in terms of rights and duties, freedom and security, the principle of non-discrimination that enables all citizens to enjoy the same rights and benefit from other laws.

103. In accordance with its Constitution and its international commitments, Cameroon intends to guarantee the indigenous communities in its territory full enjoyment of their rights, and plans to strengthen the special positive discrimination measures taken in their favour.

104. However, the impact of government action taken to assist this category of people is hampered by conceptual and practical difficulties linked to the definition and identification of these communities.

105. The indigenous issue in Cameroon is special, not to say controversial.

106. This controversy is mainly related to the national concept of "indigenous", according to which all Cameroonians are indigenous in their region of origin, which rather waters down the notion of indigenous people as defined in international law. It is also related to the fact that the term "indigenous", under international law, has not long been recognized as such by the Government in either its practice or its discourse, with preference given to the notion of marginal groups. This covers the term "indigenous" in the meaning of international law, along with all other communities regarded as vulnerable owing to their marginal nature. In a nutshell, it relates to the confusion arising from the two notions.

107. Nevertheless, in general terms and on the basis of experience,[6] taking account primarily of the criteria of who was there first and how people identify themselves, the national consensus is that, under international law, the Pygmies are indigenous communities. By extension and on the basis of their way of life, the Mbororos are sometimes included in this group.

108. However, these considerations are not backed by any scientific government study.

[6] The report of the Working Group on Indigenous Populations/Communities in Africa of the African Commission on Human and Peoples' Rights adopted in 2005 sometimes refers to the Pygmies and Mbororos as indigenous peoples.

109. The Government has therefore decided to conduct a national study on the indigenous peoples in Cameroon.

110. The aim of the study is to:

- Identify the communities in Cameroon that could be considered as indigenous in the meaning of international law
- Locate them and specify their human, social, economic and political characteristics
- Propose a definition of the notion of indigenous peoples adapted to the situation in Cameroon
- Propose a concept to cover the rest of the population of Cameroon claiming indigenous status in their territories and lands

111. With ILO support, along with that of the United Nations Sub-Regional Centre for Human Rights and Democracy in Central Africa and the NGO Plan International, the initial phase of this study was conducted and validated at a workshop held in Kribi from 14 to 16 December 2011.

112. The opinions of international experts, such as Mr. James Anaya, the Special Rapporteur on the rights of indigenous peoples, or the Chairperson of the Working Group on Indigenous Populations/Communities in Africa of the African Commission on Human and Peoples' Rights, have been sought.

113. Representatives of "indigenous" peoples (Pygmies and Mbororos), and the civil society organizations active in the defence of their rights, took an active part in the workshop, and their observations were included in the final document.

114. The study should continue on the ground, leading to a national validation of the findings.

115. Only once the study has been completed will the Government consider adopting a specific law protecting any populations identified as being indigenous under international law.

116. As with the study, the Government will involve the indigenous communities fully in the process of framing specific legislation. Account will be taken of the relevant provisions of the United Nations Declaration on the Rights of Indigenous Peoples (General Assembly resolution 61/295, annex).

117. In the meantime, and in accordance with the Committee's recommendation, since 2010 no further use has been made of the notion of "marginal population groups" to designate indigenous communities in the meaning of international law.

118. By way of illustration, on 9 August 2010, 2011 and 2012, Cameroon celebrated the International Day of the Indigenous Peoples, not for "marginal population groups", but for "vulnerable indigenous populations", the term vulnerable being added to make a distinction with the other ethnic groups that consider themselves as "indigenous" as the term is accepted in Cameroon (described above). This epithet might disappear once the aforementioned study identifies indigenous populations in Cameroon in the meaning of international law.

Recommendation No. 7

119. **The Committee recommends that the State party prevent and eliminate the discrimination faced by indigenous children in the exercise of their right to education. In particular, the Committee recommends that the State party:**

(a) Guarantee indigenous children's access to all levels and all forms of State education, without discrimination, in particular by guaranteeing free access to primary schools and the availability of the birth certificates necessary for enrolment;

(b) Take the necessary steps to adapt the education system to their way of life and culture;

(c) Develop and implement, in cooperation with indigenous peoples, education programmes that address their special needs, including the ORA (Observe, Reflect, Act) teaching method, and that incorporate their history, knowledge, technologies and value systems.

Reply from Cameroon

120. Reiterating remarks made in response to the previous recommendation, Cameroon wishes to refer to specific measures linked to the adaptation of the school system to the culture of the indigenous communities, the teaching method and the integration of their history that might be contemplated when the above-mentioned study is completed.

121. A number of noteworthy actions are already being undertaken to guarantee the access of the "indigenous" communities to education free of charge and without discrimination.

122. Comprehensive and universal education is a Government priority. In this regard, since 2000, public primary education has been declared free of charge. To encourage the implementation of free education for all, the sectoral education strategy document of June 2006 defined the priority areas of educational policy in Cameroon, namely:

- Universal primary education
- Improved access and equality
- Improved quality and relevance of education
- Improved management and governance

123. With regard to universal education, the Government has established priority education zones, mainly in regions with high concentrations of "indigenous" communities.

124. These priority education zones were defined on the basis of indicators relating to access and internal efficiency. They are regions known for under-enrolment or low enrolment rates.

125. Incentives such as scholarships, free school books and school canteens are given in the priority education zones (see annex 5).

126. In geographical terms, the State's overriding concern is constantly to bring schools closer to learners; this is the reason for the increase in the number of secondary establishments being set up, opened or transformed. This has substantially improved the provision of education, which is of benefit, ipso facto, to the "indigenous" communities (see annex 6, for the number of primary schools).

127. Positive discrimination measures are also being taken to encourage admission by the "indigenous" communities to the higher education system. In their case, entrance based on qualification is preferred to the traditional entrance examination approach applied to other pupils.

128. When implementing all these activities, the gender approach is taken with a view to giving girls access to education on a par with boys. The project "École amie des enfants, amie des filles (child-friendly, girl-friendly schools)" has been implemented since 1997 to that end.

129. With regard to access to citizenship, we should point out that a "campaign to issue 6,000 birth certificates" was launched between October 2009 and June 2010. The targets were greatly exceeded with 9,509 birth certificates being issued during that period, including 300 certificates for members of the "indigenous" communities. This experience led to the launch of "operation 10,000 birth certificates" for the period July 2010 to June 2011, to boost the issuing of birth certificates and national identity cards among those communities as part of the national project to strengthen environmental and social capacities in the energy sector. In 2011, the Ministry of Social Affairs carried out identifications and issued 6,263 national identity cards, 3,471 substitute cards and 417 birth certificates in eight of the country's 10 regions.

130. In Cameroon education is largely free from discrimination in keeping with Act No. 98/04 of 14 April 1998 on education guidelines in Cameroon, according to which "the State shall guarantee to every person equal opportunities in regard to access to education, without distinction as to gender, political, philosophical and religious opinion, social, cultural, linguistic or geographical origin". Act No. 005 of 16 April 2001 on guidelines in higher education, article 6 (2), provides that higher education "shall contribute to promoting the rule of law by fostering a culture of respect for justice, human rights and freedoms; [...] shall contribute to the eradication of all forms of discrimination and encourage the promotion of dialogue and peace".

131. Moreover, the history of the Pygmies, their way of life, and their role in the settlement of Cameroon are included in the primary teaching programmes of all Cameroonians, and in some secondary education modules.

Recommendation No. 8

132. **Take the necessary steps to combat violence against indigenous children in schools.**

Reply from Cameroon

133. Violence in schools, in particular against "indigenous" children, is a rare phenomenon in Cameroon. Only a few cases a year have been recorded. Even if these isolated cases, aimed specifically at Pygmy children, are not signs of a widespread practice they are nevertheless a cause of concern for the Government which aims to eradicate all forms of violence in schools.

134. A number of measures are being taken to combat violence in the education system. These include the implementation of the Programme Learning without fear – apprendre sans peur. A study was conducted as part of this programme, with a view to identifying the types of violence of which children are victims, the authors of this violence and the measures for eradicating these forms of violence (see annex 7).

Recommendation No. 9

135. **The Committee recommends that the State party ensure equal access to justice for indigenous people, in particular by:**

(a) Reducing the distances between national courts and the areas where indigenous people live;

(b) Establishing official services for interpretation into the languages of indigenous people in national courts, including customary courts;

(c) Ensuring that judges versed in indigenous customs preside effectively in the customary courts.

Reply from Cameroon

136. In Cameroon, the geographical divisions for judicial purposes match the country's administrative divisions. The different courts, albeit established by the law, are gradually opened by presidential decree to meet service needs and depending on the availability of infrastructure. A decree under which a court is opened sets its sphere of territorial competence, which may extend to several administrative districts, and determines its headquarters. Courts of first instance and regional courts may be combined.

137. On 31 December 2012, the judicial map of Cameroon included the Supreme Court, the special criminal court, 10 courts of appeal, 10 administrative tribunals, 56 regional courts and 67 courts of first instance.

138. On the same date, there were 531 traditional courts in the country, where customs may be applied provided they are not contrary to the law or public order.

139. Interpretation services in local languages are also provided for in the courts. In rural areas or those where school enrolment is low, where interpreters are required the most, there are also permanent interpreters working with the most widely spoken local language, paid out of the justice budget.

140. For example, in the areas covered by the courts of appeal of the North, Far-North and South regions, 90 per cent of cases require the presence of an interpreter in the local language. The parties do not need to request the presence of an interpreter. When the court has no interpreter with the language of the litigant, it appoints a person speaking that language from the public at the hearing.

141. When an interpreter is called on it is not always recorded in the trial or hearing record. However, this practice is on the increase. The number of cases in which the parties were assisted by an interpreter rose from 3,330 in 2010 to 13,554 in 2011, an increase of 10,224 cases in a year (see annex 6).

142. Similarly, a Pygmy was appointed to the post of non-presiding judge of the customary-law court in the South region.[7]

Recommendation No. 10 (a)

143. **The Committee recommends that the State party take urgent and adequate measures to protect and strengthen the rights of indigenous peoples to land. In particular, bearing in mind general recommendation No. 23 (1997) on the rights of indigenous peoples, the Committee recommends that the State party establish in domestic legislation the right of indigenous peoples to own, use, develop and control their lands, territories and resources.**

Reply from Cameroon

144. With a view to facilitating access to land ownership by indigenous communities, as part of its action to promote the settlement of Pygmies, the Government helps to preserve their land rights, in particular in cases of expropriation and in accordance with the system of compulsory acquisition of private land, covered by land certificates, and the system of incorporation, which highlights developments carried out on land in the national domain.

145. On 16 December 2005, the President of the Republic signed Decree No. 2005/465 amending and supplementing Decree No. 76/165 of 27 April 1976 laying down the

[7] Mr. Jacques Ngoun, a member of the Pygmy Bakola elite of Bipindi, appointed to the post of non-presiding judge of the customary-law court of Ndtoua in the South region.

procedures for obtaining land rights. The aim of this decree is to simplify these procedures and to bring users closer to the administration. This review is therefore a step in the process of land and State land reform to facilitate access by the less favoured. A policy to set up fauna reserves throughout national territory is being implemented with a view to improving land distribution.

146. The State party's land policy not only recognizes the customary rights of use, such as those related with empowerment, but it also enshrines the principle that local communities should reap the socioeconomic and financial benefits of forestry operations. Accordingly, local communities receive a part of the revenue from the sale of timber, in particular the forest tax. The specifications also provide for the construction of public works (roads, schools, health-care centres and playgrounds) as part of the contribution to development that forestry companies must make.

Recommendation No. 10 (b)

147. **Consult the indigenous people concerned and cooperate with them through their own representative institutions, in order to obtain their free and informed consent, before approving any project that affects their lands, territories or other resources, in particular with regard to the development, use or exploitation of mineral, water or other resources.**

Reply from Cameroon

148. Cameroon applies international principles, in particular those derived from the International Labour Organization (ILO) Convention concerning Indigenous and Tribal Peoples in Independent Countries (No. 169 of 1989), with regard to consultation and the involvement of local communities in projects that have an impact on them.

149. Accordingly and with specific reference to forestry, since 1994, the Government has been creating a new category of mechanisms that gradually make local communities responsible for the management of forests and forestry resources. Community forests and non-permanent forest land covered by a management agreement between a village community and the forestry administration are affected. Order No. 0518/MINEF/CAB of 21 December 2001 gives those communities the right to purchase in preference and sets a basic principle: forests liable to be turned into community forests are allocated as a priority to the communities living in the closest vicinity.

150. When forests become community forests, the local communities are taken into account and participate on various levels:

- The establishment of the boundaries of community forests: after referral to the Ministry responsible for Forests by the municipality concerned, a public notice is addressed to the communities informing them of the proposal to classify a forest as a community forest. This notice gives rise to a "palaver", a meeting of, among others, the chiefs of the local villages and the municipal administration in order to ascertain the opinions of the communities concerned on the classification proposal
- The preparation of the development plan and the taking into account of local practices: once the community forest has been classified, communities living in the vicinity are consulted through surveys in order, inter alia, to determine the local customs to be taken into account in the development plan, namely:
    - The gathering of medicinal plants
    - The gathering of fruit and firewood
    - Subsistence hunting and fishing

- Shifting agriculture using slash-and-burn
- The growing of perennial crops (cocoa, coffee and palm). This information on traditional techniques is input for the strategies on the use of community forest space and is reflected in the development plan

- Management and development of the community forest: management of the community forest is placed under the auspices of the municipality, which might set up a consultative committee to hear the opinions of the local community. The role of this committee is to ensure compliance with the development plan and make proposals on the financial management and exploitation of natural resources. For example, the involvement of Pygmies in the community forest management boards in Biboulemen at Akom II (region of South-Cameroon)

151. Community forests are an important development pole as their use can increase local municipalities' revenues while also creating jobs for the local workforce.

152. Under the joint order issued by the ministers in charge of forests, finance and territorial administration on 26 June 2012 (see annex 10), some of the revenue generated by the resources on their territory are now earmarked for the communities living in the vicinity.

153. It is earmarked in the following proportions:

- Twenty per cent of all contributions paid under the annual forestry levy reverts to the local municipality and 10 per cent to the village communities living in the vicinity
- Revenue generated by exploitation of communal forest is shared among municipalities and village communities living in the vicinity: 30 per cent to build development infrastructure for village communities living in the vicinity and 70 per cent for municipal development
- Forty per cent of all leasing tax contributions in the hunting area revert to the municipalities concerned and 10 per cent to the village communities living in the vicinity
- Thirty per cent of the tax on recovery products is set aside for development infrastructure for the village communities living in the vicinity and 70 per cent for the municipalities concerned by the forest for development action throughout the territory run by the municipality

154. The forestry law is currently being reviewed. The "indigenous" communities are actively involved and are making proposals for the attention of the national committee for the review of land legislation.

155. Sessions are being held to initiate people in the process of negotiating formal agreements for the co-management of the national parks. For example, sessions are being held in Campo-Ma'an for Bagyeli and Bakola communities, under the supervision of the administrative authority.

156. Involvement by local communities in the management of forestry revenues for local development follows a new approach taken by the Cameroonian authorities based on dialogue, transparency, participation, good governance and partnership.

157. This approach is also being taken in the area of mining, and in any other area affecting the environment and way of life of local communities.

- According to article 62 of the Mining Code of Cameroon:

- "No prospection, research or mining work is permitted without the authorization of the relevant authorities:
    - On the surface in a zone of at least 50 metres
    - Around built properties, villages, groups of houses, national parks, wells, religious buildings, places of burial and places regarded as sacred, without the owner's consent
    - On either side of major roads, water mains and, generally, around any public works or works of art
    - In any national park that is the subject of an international convention"

Recommendation No. 10 (c)

158. **Guarantee indigenous people just and fair compensation for lands, territories and resources that they traditionally own or otherwise occupy and use, and which have been confiscated, taken, occupied, used or damaged without their free, prior and informed consent.**

Reply from Cameroon

159. Cameroonian legislation contains guarantees that protect the economic, social and cultural rights of communities.

160. The Mining Code of Cameroon, inter alia, contains important provisions in that respect. These include the following:

- Article 63 (2) – "Fair compensation shall be paid to the holder of a mining permit or the beneficiary of an authorization who has suffered damage as a result of the establishment of a protection zone."
- Article 67 (1) – "The territorially competent prefect appointed in the order shall ensure that the necessary investigations are carried out by the findings and assessment commission, which shall have a period of six months from the date of referral to produce files to be used in the preparation, as appropriate, of orders for the compensation, incorporation, expropriation or declassification of the plots of land concerned."
- Article 73 (1) – "The landowner or holder of customary land rights or occupation rights shall be entitled to compensation for occupation of the land by the holder of a mining permit."
- Article 75 – "The holder of a mining permit shall be required to make reparation for the damage that his work may cause to the property. Similarly, he shall be required to make reparation for the damage caused to neighbouring land or buildings. He shall in such cases be required to provide compensation corresponding only to the value of the damage caused."
- Article 76 (1) – "The compensation to which the landowner may stake a claim includes:
    - "Being deprived of the use or possession of the natural surface of the land;
    - "Damage caused to the natural surface of the land; the separation of land or any part thereof from other lands owned by the landowner;
    - "Loss or limitation of the right of enjoyment, right of way or another right;
    - "Loss or damage caused to improvements;

- "Disruption of farming activities on the land."

- Article 77 (1) – "The amount of compensation shall be determined by a written agreement between the holder of the mining permit and the landowner. This agreement shall be filed with the administration of estates, which may propose changes to the parties. Before its execution, the agreement shall be recorded in the register."

161. For social and environmental reasons, large-scale general utility projects are subject to the implementation of a resettlement plan aimed at those evicted or expropriated while the law requires the initiator of the project to carry out an environmental impact study to determine the level of nuisance and propose suitable solutions.

162. The funding of such projects is conditional on the application of a policy of compensation and resettlement under which preference must always be given to persons whose subsistence is based on the land.

163. The compensation arrangements are defined by Decree No. 2003/478/PM of 25 February 2003 setting the rates for compensation to be paid to landowners who have suffered destruction of their crops or trees for public utility and Order No. 00832/Y.15.1/MINUH/D00 of 20 November 1987 setting the bases for calculating the market value of constructions affected by expropriation for public utility.

164. Major projects such as the gas-fuelled power-plant and deep-water port at Kribi, the construction of the Memvelé hydroelectric dam and the Lom Pangar reservoir dam are under way in Cameroon.

165. For each project, special attention is paid to the local communities.

166. To that end, an environmental and social impact study report is prepared along with an environmental and social management plan and a compensation and resettlement plan.

167. With regard to the construction of the industrial port complex at Kribi (South region), a relocation programme is being implemented by developing three relocation zones, south, north and south-east. Progress made in the south zone was assessed to be 22 per cent on 30 November 2012, while the delineation work in the north zone has begun. A psycho-economic counselling programme is being approved. In 2012, there will be a sum of 10 billion CFA francs ($20,000,000) for compensation payments. For the Memvelé hydroelectric dam (South region), the overall compensation distributed totalled 3 billion CFA francs (about $6,000,000).

168. In addition to the fair and equitable compensation paid out for the crops, plants, buildings, lands and any other property affected by the projects, the local communities benefit from numerous types of infrastructure and sociocultural initiatives (schools, health-care centres, water supply systems and supply points, training in the new professions, counselling with a view to socioeconomic integration, campaigns to combat certain diseases, etc.). One example is the construction of a road and three all-age schools by Cam Iron, an iron ore mining company in Mbalam (East region); the construction of two schools in Béké and Colomine (East region), 15 public taps and 8 drinking-water boreholes, two community telecentres by the Small-Scale Mining Support and Promotion Framework Unit.

169. Taking the local workforce into account, using local materials and local subcontracting are major components of these projects.

170. The project areas, or areas through which project operations cross, must have electricity and drinking water supplies.

Recommendation No. 10 (d)

171. **Ensure that the legal land registry procedure in force duly respects the customs, traditions and land tenure systems of the indigenous peoples concerned, without discrimination.**

Reply from Cameroon

172. The Constitution of Cameroon states that "the human person, without distinction as to race, religion, sex or belief, possesses inalienable and sacred rights". The fundamental law states that the Cameroonian people are committed to the principle according to which all persons have equal rights and obligations. Similarly, under the law of Cameroon, any violation of the prohibition of discriminatory practices is an offence (see above-mentioned article 241 of the Criminal Code on insulting a race or religion, paragraph 16 of this report).

173. These provisions on equality for everyone against all forms of discrimination apply to land law, according to which "customary communities, members thereof, or any other person of Cameroonian nationality [...] are eligible to apply for a land certificate for national lands which they occupy or develop, on condition that the occupancy or the exploitation predates 5 August 1974, the date of publication of Ordinance No. 74/1 of 6 July 1974 to establish rules governing land tenure".

174. Moreover, the decree of 2005 amending that of 1975 simplified the land registration procedure, inter alia, by reducing the number of persons involved in the process and thereby shortening delays by decentralizing land registration procedures to the level of district chief. Thanks to the shorter delays and the faster new land registration procedure users can now obtain land certificates quickly, whereas they used to have to wait for several years.

175. While reiterating its replies to Recommendation No. 10 (a), in paragraphs 144 to 146 above, the Government nevertheless remains concerned by the situation of some communities, in particular the Pygmies, whose socioeconomic conditions and traditional ways of life do not facilitate their access to land ownership, especially since, in contradiction of the law, the traditional "occupation" of land by the Pygmies leaves no evidence of land development (temporary constructions, hunting and gathering leaving few traces on the land).

176. Initiated with their consent, the process of settlement and the construction of long-term housing, even the creation of traditional chiefdoms, might allow for a better understanding of such concerns.

Recommendation No. 10 (e)

177. **Protect indigenous people against any attacks on their physical and mental integrity and prosecute the perpetrators of acts of violence and assaults against them.**

Reply from Cameroon

178. Acts of violence and assault are punishable by Cameroonian law (Criminal Code article 279 – Grievous bodily harm, article 280 – Simple battery, article 281 – Minor injuries).

179. In accordance with the principles of equality and non-discrimination enshrined in the Constitution, these provisions apply to all persons without exception. Whenever such cases are brought before the relevant court, the perpetrators are prosecuted and punished as the law requires.

180. To improve access to justice for vulnerable groups, Cameroon adopted Act No. 2009/004 of 14 April 2009 concerning the organization of legal assistance. This law improves access to justice for the most vulnerable by exempting them from all or part of legal costs (see annex 10).

181. The Ministry of Social Affairs is responsible for framing and implementing government policy on prevention, assistance and protection for the socially vulnerable (children in difficulty, the elderly, persons with disabilities and indigenous communities). In that regard it protects the victims of physical abuse and conducts awareness-raising campaigns to promote peaceful coexistence with and solidarity towards vulnerable groups.

Recommendation No. 11 (a)

182. **The Committee recalls its general recommendation No. 31 (2005) on the prevention of racial discrimination in the administration and functioning of the criminal justice system, in which it is stated that the absence or small number of complaints, prosecutions and convictions relating to acts of racial discrimination may indicate either that victims have inadequate information concerning their rights, or that they fear social censure or reprisals, or that victims with limited resources fear the cost and complexity of the judicial process, or that there is a lack of trust in the police and judicial authorities, or that the authorities are insufficiently alert to or aware of offences involving racism. The Committee recommends that the State party include in its next periodic report statistical data on legal proceedings instituted and sentences handed down for offences related to racial discrimination.**

Reply from Cameroon

183. Offences relating to racial discrimination against racial groups or groups of foreigners living in the national territory, for a variety of reasons, are not recorded in Cameroon. There are some inter-ethnic conflicts that are not racially motivated but over material issues. They mainly concern the Mbororos during their seasonal migration with their livestock.

184. Their mobility often triggers conflicts with farmers who readily resort to violence, threats and all kinds of intimidation to protect their fields from the threat of destruction. In the period 2010–2011, eight offences committed against this tribal group were brought before the court of appeal of Adamaoua. The most frequent charges brought before this court of appeal are minor injury, wounding, failure to render assistance, practice of witchcraft, blackmail and abuse of authority.

185. Their perpetrators were tried and sentenced in accordance with the law, receiving prison sentences of between six months and three years and fines ranging from 10,000 to 100,000 CFA francs (from $20 to $200) (see annex 7).

Recommendation No. 11 (b)

186. **Compensatory measures decided by the courts as a result of such sentences.**

Reply from Cameroon

187. The decision to award compensation as the result of sentences handed down in such cases depends on the request made by the victim of the offence or complainant. In such cases the damages paid to victims range from 151,000 to 1,500,000 CFA francs (from $75 to $750).

188. The tables attached in annex 7 illustrate the state of these procedures in certain regions.

Recommendation No. 11 (c)

189. **The Committee also recommends that the State party implement its national action plan for the reform of the justice system and strengthen measures aimed at reducing the incidence of mob justice, in particular by extending awareness-raising campaigns to increase public knowledge of the Code of Criminal Procedure.**

Reply from Cameroon

190. Following national and public awareness-raising campaigns conducted before the Code of Criminal Procedure entered into force on 1 January 2007, awareness-raising about its application now concerns the judiciary, and primarily judges, in their further training.

191. The phenomenon of mob justice, albeit on the decline, is still a cause for concern. There have been awareness-raising campaigns to warn against it and inform people of the legal remedies that exist. Law enforcement officers are trained to deal with such acts whenever they come to their attention and guilty parties are usually brought before the courts.

Recommendation No. 12

192. **The Committee recommends that, in addition to taking steps to resolve the inter-ethnic conflicts by offering compensation for victims, the State party should take preventive action. In particular, the Committee recommends that the State party carry out awareness-raising campaigns in the various communities to promote understanding, tolerance and peaceful coexistence between ethnic groups. It also recommends that traditional leaders be invited to contribute to the process of building and maintaining social peace.**

Reply from Cameroon

193. In addition to dispute settlement mechanisms, Cameroon is of the view that awareness-raising is the most effective tool for preventing inter-ethnic conflicts and therefore takes note of the Committee's Recommendation. Preventive measures have been taken to ensure that inter-ethnic conflicts do not take place. They include awareness-raising, economic and cultural events (agro-pastoral fairs, festivals, etc.) that enable several groups to intermingle, talks between local administrative authorities and traditional chiefs.

194. Thanks to these measures very few inter-ethnic conflicts have been recorded in Cameroon since the consideration of the previous report in 2010.

Recommendation No. 13

195. **The Committee recommends that the State party intensify its efforts to implement bilingual policies and to ensure that the English-speaking people in the south of the country are not subject to inequality, particularly in the areas of employment, education, judicial procedures and media representation. The Committee recommends that the State party provide detailed information on this issue in its next periodic report.**

Reply from Cameroon

196. While reiterating the aforementioned constitutional and legal provisions concerning non-discrimination, the Government wishes to emphasize that, pursuant to article 1 of the Constitution "the official languages of the Republic of Cameroon shall be English and French, both having the same status. The State shall guarantee the promotion of bilingualism throughout the country".

197. Also pursuant to the Constitution (art. 31.3): "Laws shall be published in the Official Gazette in French and English." All official documents are also translated into English, and the names of public buildings are displayed in both official languages on signposts.

198. For administrative purposes, official documents are systematically presented in French and English.

199. According to the results of the general population census published in 2010, most of the English-speaking population lives in two of the country's 10 regions and accounts for about 17.5 per cent of the total population.

200. The school enrolment rates in both provinces meet the national average.

201. Both of the English-speaking regions now have a State university. The University of Bamenda (the more recent) was established on 14 December 2010.

202. Since Cameroon is a bilingual country, the formal educational system is divided into two subsystems: French-speaking and English-speaking. Higher education is common to both while each subsystem comprises five educational levels: preschool, post-primary, secondary and normal.

203. The English-speaking subsystem is applied mostly in the North-West and South-West provinces, but there are also establishments applying the English-speaking formula in places (especially cities such as Douala and Yaoundé) outside the two provinces. The French-speaking subsystem is used mostly in the other eight provinces but can also be found in the English-speaking regions.

204. With regard to training opportunities, in addition to primary and secondary establishments in the two regions in proportions equal to those in the English-speaking regions, there are numerous bilingual or mainly English-speaking primary schools and secondary schools in the other eight regions. In each regional capital, there is at least one bilingual and/or English-speaking secondary school, and one bilingual and/or English-speaking primary school (see annex 5).

205. Essentially, of the 14,712 primary schools nationwide, 10,881 (73.96 per cent) are French-speaking, while 3,831 (26.04 per cent) are English-speaking, reflecting the country's socio-demographic reality.

206. Since school year 2008/09, a special bilingual education programme has been tested with years 5 and 6 at 11 pilot establishments. This programme is gradually being extended to the fourth year, while work is being carried out on programmes to promote bilingualism through the media for years 4, 3 and 2. A bilingual "brevet d'études du premier cycle" (examination taken at age 16) will be awarded as of 2013 to bilingual third-year children in the English-speaking and French-speaking subsystems.

207. In terms of teacher training, the English-speaking communities enjoy the same advantages as their French-speaking counterparts. There is a bilingual teacher-training establishment in Yaoundé, while French-speaking teachers are trained in Maroua and their English-speaking counterparts are trained in Bamenda.

208. To facilitate training and socio-professional integration, the Government awards scholarships (see annex 9).

209. The table in annex 9 shows that, of a total of 735 scholarships offered for 2011, the two English-speaking regions were awarded 119 places, or 16.19 per cent.

210. In terms of access to employment, in 2011 the Government decided to recruit 25,000 young people to the civil service. Of these, 13.92 per cent were English-speaking. All access to the civil service through competitive examination or on the basis of dossier must

comply with the "regional balance" policy ensuring that each region is represented in each area of public life.

211. This is the way in which the authorities ensure that the different regional groups are fairly represented in public administration.

212. For recruitment by private enterprises, fluency in both official languages is always seen as an asset.

213. The system of fair representation is also applied to the media, where the proportion of English-speaking journalists reflects the proportion of English-speakers in the population as a whole.

214. As far as content is concerned, Cameroon Radio and Television (CRTV) is the only State radio and television company. It covers the whole country, with 10 regional radio stations, five commercial urban FM channels, and one television channel with 32 broadcasting centres.

215. About one third of its programmes are broadcast in English and two thirds in French (programmes in French: 69 per cent; programmes in English: 31 per cent). There are regional stations also broadcasting some of their content in a regional language and the rest in French and English (broadcasts in dialects: 20 to 25 per cent; broadcasts in French or English: 75 to 80 per cent).

216. The main television news broadcasts are bilingual (French and English).

217. In any event, the Government constantly endeavours to promote and strengthen bilingualism. For that reason it established a national bilingualism day, celebrated in February every year. Each regional capital has a pilot language centre responsible for providing students (adults and children) with tools enabling them to improve their knowledge of either of the official languages and promote bilingualism nationwide.

218. To facilitate understanding between members of the court and parties, where necessary interpreters are called upon to translate from French to English and vice-versa.

B. Other points raised by the Committee in its concluding observations

Point 1

219. **Bearing in mind the indivisibility of all human rights, the Committee encourages the State party to consider ratifying those international human rights treaties which it has not yet ratified, in particular treaties of which the provisions have a direct bearing on the subject of racial discrimination, including the Convention on the Prevention and Punishment of the Crime of Genocide (1948), the International Labour Organization (ILO) Convention concerning Indigenous and Tribal Peoples in Independent Countries (No. 169 of 1989), the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families (1990), and the UNESCO Convention against Discrimination in Education (1960).**

Reply from Cameroon

220. Cameroon sets great store by the protection of all human rights and believes that international instruments are an essential tool for the enterprise. As a mosaic of peoples and cultures, Cameroon sees the fight against all forms of racial discrimination as a priority and the ratification of the international conventions that can help it to combat all forms of discrimination as crucial.

221. During the first cycle of its universal periodic review in 2009 (A/HRC/11/21), Cameroon accepted the recommendations relating to the ratification of the Convention on the Prevention and Punishment of the Crime of Genocide (1948), the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families (1990), and the UNESCO Convention against Discrimination in Education (1960).

222. These are being examined with a view to their ratification.

Point 2

223. **In the light of its general recommendation No. 33 (2009) on follow-up to the Durban Review Conference, the Committee recommends that the State party give effect to the Durban Declaration and Programme of Action, adopted in September 2001 by the World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance, taking into account the Outcome Document of the Durban Review Conference, held in Geneva in April 2009, when implementing the Convention in its domestic legal order. The Committee requests that the State party include in its next periodic report specific information on action plans and other measures taken to implement the Durban Declaration and Programme of Action at the national level.**

Reply from Cameroon

224. Cameroon is committed to combating racism, intolerance and xenophobia by taking specific measures to promote understanding and harmonious relations among its communities.

225. To this end, the Government has taken certain specific steps, provided for in the Durban Programme of Action. Thus, in the Constitution the Cameroonian people declare "that the human person, without distinction as to race, religion, sex or belief, possesses inalienable and sacred rights". A declaration of the principle of equality of this type, calling for the prohibition of discrimination of all kinds, may be appreciated socially and politically.

226. In addition to the different actions mentioned in this report, we should also refer to the many types of support given to disabled teachers and students; fairness in the provision of education guaranteed by setting up secondary education establishments in border and land-locked areas and in priority education zones; the adoption of positive discrimination measures in favour of women, minorities and vulnerable groups; the practice of a policy of treating refugees the same as nationals in the enjoyment of most economic, social and cultural rights; and making all discriminatory practice an offence in the Criminal Code.

Point 3

227. **The Committee recommends that the State party intensify its dialogue with organizations of civil society working in the area of human rights protection, in particular those working to combat racial discrimination, in connection with the preparation of its next periodic report.**

Reply from Cameroon

228. Civil society, in particular NGOs working in the area of human rights, was closely involved in the preparation of this report, above all in the collection of data from the different stakeholders, the enrichment of the first draft and the overall validation of the report. A list of their representatives involved in the validation can be found in an annex.

Point 4

229. **The Committee encourages the State party to make the optional declaration provided for in article 14 of the Convention.**

Reply from Cameroon

230. Cameroon notes the Committee's encouragement and will seriously consider making this declaration.

Point 5

231. **The Committee recommends that the State party ratify the amendment to article 8, paragraph 6, of the Convention, adopted on 15 January 1992 at the 14th meeting of States parties to the Convention (see CERD/SP/45, annex) and endorsed by the General Assembly in its resolution 47/111. In this connection, the Committee cites paragraph 14 of General Assembly resolution 61/148, in which the General Assembly strongly urged States parties to the Convention to accelerate their domestic ratification procedures with regard to the amendment and to notify the Secretary-General expeditiously in writing of their agreement to the amendment.**

Reply from Cameroon

232. In application of this recommendation, on 3 May 2012, the President of the Republic of Cameroon agreed to the State party's acceptance of the amendment to article 8 of the International Convention on the Elimination of All Forms of Racial Discrimination.

233. Instructions were immediately given to the Ambassador, the Permanent Representative of Cameroon to the United Nations in New York, to keep the Secretary-General of the United Nations informed.

Point 6

234. **The Committee recommends that the State party's reports should be made readily available to the public at the time of their submission, and that the concluding observations adopted by the Committee following its consideration of the reports should be distributed in the official languages and other commonly used languages, as appropriate.**

Reply from Cameroon

235. Following consideration of the State party's combined fifteenth to eighteenth periodic reports, the Minister for Foreign Affairs issued a radio and press communiqué outlining the positive points raised by the Committee and its main recommendations.

236. The communiqué stated that all of the Committee's concluding observations and the State party's periodic report would be available at the Ministry of Foreign Affairs (Directorate for the United Nations and Decentralized Cooperation) or on the OHCHR website.

237. Anyone requesting these documents was granted access to them and was able to approach the above-mentioned departments.

238. This communiqué, as published by the *Cameroon Tribune* daily newspaper, on 22 June 2012, can be found in full in an annex to this report.

Point 7

239. **Noting that the State party submitted its core document in 2000, the Committee encourages the State party to submit an updated version in accordance with the harmonized guidelines on reporting under the international human rights treaties, namely those relating to the common core document as adopted at the fifth inter-committee meeting of the human rights treaty bodies, held in June 2006 (HRI/MC/2006/3).**

Reply from Cameroon

240. Cameroon submitted, along with this report, an updated version of its common core document (HRI/CORE/CMR/2013). It was prepared in accordance with the guidelines contained in document HRI/MC/2006/3 of 10 May 2006 and also HRI/MC/2004/3 of 9 June 2004 adopted at the inter-committee meeting of the human rights treaty bodies.

Point 8

241. **The Committee also wishes to draw the attention of the State party to the particular importance of the recommendations contained in paragraphs 11, 16, 17 and 18, and requests that the State party provide detailed information in its next periodic report on concrete, appropriate measures taken to effectively implement these recommendations.**

Reply from Cameroon

242. This report contains the information requested by the Committee in paragraphs 11, 16, 17 and 18 of its concluding observations.